CLERK, U.S. DISTRICT COURT

APR 1 7 2014

CENTRAL DISTRICT OF CALIFORNIA DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SABADELL UNITED BANK, N.A.,) Case No. CV 14-2641-UA (PJWx)

Plaintiff,) [FROPOSED] ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

V.)

CARLOS LOPEZ, ET AL.,)

Defendants.

Before the Court is an unlawful detainer action that has been removed from the Los Angeles County Superior Court. For the following reasons, the case is summarily remanded back to the state court.

In 2013, Defendants were sued in an unlawful detainer action in the Superior Court of Los Angeles County. On April 8, 2014, Defendant Askew removed the action to this court. Simply stated, since Plaintiff could not have brought this action in federal court in the first place because there is no subject matter jurisdiction, removal of the action is improper. 28 U.S.C. § 1441(a); see Exxon Mobil Corp. v. Allapattah Svcs., Inc., 545 U.S. 546, 563 (2005). The case does not meet the requirements of 28 U.S.C. § 1331 because it does not raise a federal question. See 28 U.S.C. §§ 1331. The fact that Defendant Askew subsequently filed a petition for relief in the

ase 2:14-cv-02641-UA-DUTY Document 3 Filed 04/17/14 Page 2 of 2 Page ID #:28

U.S. Bankruptcy Court does not alter that analysis. See, e.g., U.S. 1 2 Bank Assoc. v. Bilbaeno, 2012 WL 3987317, at *1 (N.D. Cal. Sept. 7, 3 2012) (holding defendant's bankruptcy petition did not provide jurisdiction to support removal of state-court unlawful detainer 4 5 action). The case also does not meet the requirements of diversity jurisdiction because Defendant Askew has not alleged that there is 6 7 complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000. See 28 U.S.C. §§ 1332. 8 9 Accordingly, IT IS ORDERED that (1) pursuant to 28 U.S.C. 10 § 1447(c), this matter is REMANDED to the Superior Court of California, County of Los Angeles, 1725 Main Street, Santa Monica, 11 12 California 90401; (2) the clerk shall send a certified copy of this 13 Order to the state court; and (3) the clerk serve copies of the Order 14 on the parties. 15 IT IS SO ORDERED. 16 DATED: 17 GEORGE H. KING 18 UNITED STATES DISTRACT JUDGE 19 Presented by: 20 21 22 UNITED STATES MAGISTRATE JUDGE 23

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